

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 14,936

)

Appeal of )

)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare terminating her Food Stamps. The issue is whether the petitioner is disqualified for Food Stamps due to her status as a college student.

FINDINGS OF FACT

The facts are not in dispute. The petitioner, a single woman in her twenties, underwent a review of her eligibility for Food Stamps in January, 1997. The petitioner informed the Department that she was enrolled as a full time college student and was working part time. Because the amount of hours a student is employed affects Food Stamp eligibility (see infra) the Department asked the petitioner to provide verification of her hours, as well as her wages.

On January 22, 1997, the Department mailed the petitioner a notice telling her to send in copies of her paystubs for the last 30 days by February 2, 1997, or else her benefits would terminate on February 28, 1997.

On February 14, 1997, the Department mailed the petitioner a notice stating that she would be ineligible for Food Stamps as of March 1, 1997, because she had not provided the required information. That same day (apparently after the notice had been sent out) the petitioner left a copy of some wage information for her worker at the Department.

The information was a handwritten statement from the petitioner's employer stating only that the petitioner's gross wages in January were \$486.50. That same day, the worker sent the petitioner another notice stating that the information was insufficient, but that if the petitioner provided verification of her wages and hours for January before February 28, her Food Stamps could be reinstated.

When the worker did not hear from the petitioner by February 28, she took it upon herself to call the petitioner's employer to try to determine the petitioner's hours. The employer was unable to provide the exact amount of the petitioner's hours for January but did state that the petitioner was paid between \$7.00 and \$8.00 an hour. From this information the worker was not able to determine that the petitioner was not employed at least 20 hours a week as required by the regulations (see infra), and she took no further action on the petitioner's case. <sup>(1)</sup>

The petitioner's Food Stamps were terminated effective March 1, 1997. The petitioner appealed the decision, but at her hearing, held on May 21, 1997, she admitted that at no time had she been employed 20 hours a week or more. The petitioner feels, however, that an exception should be made in her case because she is attending school with no support from her family and is unable to meet her living expenses working less than half time.

#### ORDER

The Department's decision is affirmed.

#### REASONS

Food Stamp Manual § 273.5 provides that an able-bodied person between the ages of 18 and 50 without dependents who is "enrolled at least half time in an institution of higher learning" shall be ineligible for Food Stamps unless she is gainfully employed for "a minimum of 20 hours per week". As noted above, the petitioner does not dispute that she was unable to provide verification that she was working at least 20 hours per week. Inasmuch as the Department's decision in this matter is in accord with the pertinent regulations the board is bound by law to affirm it. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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1. At \$7.00 an hour gross monthly wages of \$486.50 would involve less than 70 hours of work.